



SO ORDERED.

SIGNED this 05 day of May, 2009.

A. Thomas Small
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:)	CASE NO. 06-01571-5-ATS
)	
Kennis Jacobs and Wendy Pettiford Jacobs)	CHAPTER 13
)	
Address: 112 N. Nash Street, Hillsborough, NC 27278)	
)	
Debtor(s).)	
)	

**CONSENT ORDER MODIFYING CHAPTER 13 PLAN
AND RESOLVING TRUSTEE'S MOTION TO DISMISS**

This matter came before the Court upon the Debtors' "Motion To Modify Chapter 13 Plan," dated March 17, 2009, (the "Motion") and the Trustee's Motion to Dismiss and the Debtors' response thereto; and upon due consideration of the Court and with the consent of the parties:

IT APPEARING to the Court that the Debtors served a copy of the Motion and Notice thereof on the appropriate parties; and

IT FURTHER APPEARING to the Court that the time for those parties to respond has expired with no response having been filed, and that there is just cause for the proposed modification inasmuch as a sufficient change in circumstances has evolved in this case, and the

proposed plan conforms to the standards for confirmation under sections 1322 and 1325 of the Bankruptcy Code.

NOW, THEREFORE, IT IS HEREBY

ORDERED that the Motion is granted in its entirety; and it is further

ORDERED that the Trustee's Motion to Dismiss is denied; and it is further

ORDERED that the Debtors' Chapter 13 Plan is modified as follows:

From: \$420.00 per month for 2 months, followed by \$571.00 per month for a period of 55 months.

To: \$11,311.00 as paid through March 16, 2009 followed by \$563 per month for a period of 28 months; and it is further

ORDERED that the plan as so modified henceforth shall and does constitute the chapter 13 plan in this case; and it is further

ORDERED that the Debtors shall resume making their regular monthly Chapter 13 plan payments of \$563.00 per month ("Regular Plan Payment"), starting with the payment due on April 1, 2009. In the event that the Debtor fails to make any Regular Plan Payment within 30 days after the date that it is due, this case shall be deemed immediately dismissed, upon notification by the Trustee to the Court and the Debtors' attorney, without the need for the Trustee to reapply to the Court. This "drop dead" provision shall terminate six (6) months after the date of the entry of this order; and it is further

ORDERED that the attorneys fees requested by Adams, Portnoy & Berggren, PLLC in connection with the Motion To Modify Chapter 13 Plan in the amount of \$600.00 (\$350.00 for the motion to modify and \$250 for defense of the motion to dismiss) are allowed

and approved and that the Trustee is directed to pay such fees from the proceeds of the Chapter 13 Plan.

AGREED AND CONSENTED TO:

ADAMS. PORTNOY & BERGGREN, PLLC.
Attorneys for the Debtor

By: /s/William G. Berggren

William G. Berggren
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JOHN F. LOGAN, CHAPTER 13 TRUSTEE

By: /s/John F. Logan

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